

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MELANIE MOCK, *on behalf of herself and all others* §
similarly situated, §

Plaintiff, §

v. §

1:19-cv-611-RP

ST. DAVID'S HEALTHCARE §
PARTNERSHIP, L.P., LLP, *a Texas limited* §
liability partnership, §

Defendant. §

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Andrew W. Austin concerning Defendant St. David's Healthcare Partnership, L.P., LLP ("St. David's") Motion to Dismiss, (Dkt. 39). (R. & R., Dkt. 54). In his report and recommendation, Judge Austin recommends that the Court grant the motion as to Melanie Mock's ("Mock") forward-looking claims for injunctive relief for lack of standing and any claims accruing before May 21, 2017 as time barred and otherwise denies the motion in all other respects. (*Id.* at 18). Mock timely filed objections to part of the report and recommendation. (Objs., Dkt. 55).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Mock timely objected a portion of the report and recommendation, the Court reviews that portion of the report and recommendation *de novo*. Having reviewed that portion *de novo*, the Court accepts and adopts the report and recommendation as to Mock's lack of standing to seek injunctive relief for any future injuries. In response to Mock's objections, (Dkt. 55), the Court also clarifies that Mock has standing to pursue injunctive relief relating to any future efforts to

collect on her debt. *See Riley v. Houston Nw. Operating Co., L.L.C.*, No. CV H-19-2496, 2020 WL 3103899, at *4–5 (S.D. Tex. June 11, 2020) (finding that plaintiff had standing to seek injunctive relief to prevent future collection efforts).

As to the remainder of the report and recommendation, when no objections are timely filed—as is the case here—a district court can review the magistrate’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee’s note (“When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). The Court therefore reviews the remainder of the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that (1) Mock’s objections, (Dkt. 55), are **GRANTED** only for the purpose of clarifying the report and recommendation, and (2) the report and recommendation of United States Magistrate Judge Andrew W. Austin, (Dkt. 54), is **ADOPTED** with the clarification that Mock has standing to seek injunctive relief to prevent future collection efforts. St. David’s motion to dismiss, (Dkt. 39), is **GRANTED IN PART** and **DENIED IN PART**.

SIGNED on September 2, 2020.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE